

REMARKS

The Office Action of November 17, 2008 has been reviewed and these remarks are responsive thereto. Claims 38, 52, 65, 66, and 74 have been amended. Upon entry of this Amendment, claims 38-42, 44-49, 52-61, 64-71, 74, and 76-88 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 38, 39, 42 and 44-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. Patent No. GB22345069 to Skottowe ("Skottowe"). Applicant respectfully traverses this rejection.

Amended claim 38 recites, among other features, a modular structure having units arranged to form a modular structure in a first configuration, the first configuration including a central unit and a plurality of outer units, each outer unit being removably connected to the central unit and protruding from the central unit, at least two of the outer units being substantially perpendicular to each other. Applicant respectfully asserts that Skottowe fails to teach or suggest the features of claim 38.

Skottowe describes a modular structure having a plurality of walls and roof parts connected together by quick release devices. *See* Abstract. As shown throughout the figures of Skottowe, the structure is created by a plurality of flat wall panels or roof panels connected to each other. Although the panels may be connected at various angles, there is no teaching or suggestion in Skottowe of a modular structure having a central unit and a plurality of outer units *protruding from* the central unit, two of the outer units being *substantially perpendicular* to each other, as recited in claim 38 and shown at least in Applicant's Figure 10.

Further, claim 38 recites, among other features, armored panels formed of a single piece and forming at least a portion of the interior and exterior surface of the modular structure and frame portions secured to at least one of the armored panels. Applicant respectfully submits that Skottowe fails to teach or suggest armored panels formed of a *single piece*, as recited. In fact, Skottowe clearly states that the structure includes inner and outer wall parts, each comprising

four individual wall plates. *See* Skottowe at p. 4. Accordingly, Applicant respectfully submits that claim 38 is patentably distinct from the cited reference.

Claims 39, 42 and 44-48 depend from claim 38 and are allowable for at least the same reasons as discussed above with respect to claim 38. Accordingly, Applicant respectfully requests withdrawal of these rejections.

Claims 50 and 51 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Skottowe or U.S. Patent No. 4,221,426 to Wardill (hereinafter “Wardill”). Applicant respectfully submits that claims 50 and 51 were previously cancelled without prejudice or disclaimer, thereby rendering these rejections moot.

Claim Rejections Under 35 U.S.C. § 103

Claims 38, 40, 41, 49, 52, 54, 55, 58, 59, 64, 67, 68, 71, 74 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,351,558 to Mueller (hereinafter “Mueller”) in view of U.S. Patent No. 7,210,707 to Schroth (hereinafter “Schroth”) and further in view of U.S. Patent No. 5,971,177 to Carter (hereinafter “Carter”). Applicant respectfully traverses these rejections.

As discussed above, claim 38 recites, among other features, units in a first configuration including a central unit and a plurality of outer units, the outer units removably connected to the central unit and protruding from the central unit, at least two of the outer units being substantially perpendicular to each other. Applicant respectfully submits that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests the features of claim 38.

Mueller describes an armored truck having a truck body with interior walls which are aligned and secured in a parallel relation with complementary armor plates. *See* Abstract. There is no teaching or suggestion in Mueller of a modular structure having a central unit and a plurality of outer units protruding from the central unit, at least two of the outer units being substantially perpendicular to each other, as recited in claim 38. The addition of Schroth and Carter fail to cure the deficiencies of Mueller with respect to claim 38.

Further, claim 38 recites, among other features, abutting armored panels formed of a single piece and forming at least a portion of an interior surface of the modular structure and an exterior surface of the modular structure having no void between the interior surface and exterior surface. Applicant respectfully submits that none of Mueller, Schroth and Carter, alone or in combination, teaches or suggests these features.

The panels of Mueller include two layers, a wall and an armored plate attached to the wall. The figures of Mueller clearly indicate a void between the wall and the armored plate. *See* FIGS. 6, 8 and 9. Further, the additional plate of Mueller teaches away from the abutting armored panels being formed of a single piece and forming at least a portion of an interior and exterior surface of the modular structure, as recited in the claims, because the additional panel prevents the panel of Mueller from forming both surfaces.

Further, there is no teaching or suggestion in Mueller of the panels abutting and the Action fails to identify any portion of Mueller that teaches or suggests this feature. Instead, Mueller describes interior walls and separate armored plates joined by fastening members. col. 2, lines 48-65. As clearly shown throughout the figures of Mueller, neither the interior walls nor the armor plates abut. *See* FIGS. 2, 6, 8 and 9. Accordingly, Mueller fails to teach or suggest the features of claim 38. The addition of Schroth and Carter fails to cure the deficiencies of Mueller with respect to claim 38.

Accordingly, Applicant respectfully submits that claim 38, as well as claims 40, 41 and 49 that depend therefrom, are allowable over the cited combination of references.

Independent claim 52 has been amended to recite language similar to claim 38. For instance, claim 52 recites, among other features, a modular structure including a first unit and a plurality of second units, the second units being connected to the first unit and protruding from the first unit, at least two of the second units being substantially perpendicular to each other. Applicant respectfully submits that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests the features of claim 52.

The truck panels of Mueller are configured to form a structure atop a truck bed. There is no teaching or suggestion in Mueller of a first unit and a plurality of second units protruding

from the first unit, at least two of the second units being substantially perpendicular, as recited in claim 52. The addition of Schroth and Carter fails to cure the deficiencies of Mueller with respect to claim 52.

Further, claim 52 recites, among other features, a frame formed from a plurality of tubular frame portions. The Action fails to identify any portion of the cited references that describes this feature. Applicant respectfully submits that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests this features. At most, Mueller describes angle irons (element 30) that connects armored plates of various portions of the truck body. *See* col. 3, line 63 – col. 4, line 2. Angle irons, as shown in the figures of Mueller and as generally understood in the art, are flat pieces of iron forming an angle and are not tubular, as recited in claim 52. Accordingly, Applicants respectfully submit that claim 52, as well as claims 54, 55, 58, and 59 that depend therefrom, are patentably distinct from the cited combination of references.

Claim 61 has not been rejected in the Office Action. Because claim 61 was not rejected, Applicant submits that the next office action may not properly be made final. *See* MPEP § 706.07 However, Applicant respectfully submits that, because claim 61 depends from claim 52 it is allowable for at least the same reasons as its base claim.

Independent claim 74 has been amended to recited language similar to claim 38. For instance, claim 74 recites, among other features, first, second and third modular sections, the first modular section is a center unit and the second and third modular sections being removably connected to the center unit and protruding outward from the center unit, the second and third sections being substantially perpendicular to each other. For at least the reasons discussed above, Applicant respectfully asserts that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests the features of claim 74. Accordingly, Applicant respectfully submits that claim 74, as well as claims 64, 67, 68, and 71, that depend therefrom, are allowable.

Claim 75 stands rejected as being unpatentable over Mueller in view of Schroth and Carter. However, Applicant respectfully submits that claim 75 was previously cancelled without prejudice or disclaimer, thereby rendering this rejection moot.

Claims 38, 39, 42, 46, 47, 52, 53, 56, 57, 60, 64-74, and 76-87 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,076,328 to Danhof et al. (hereinafter “Danhof”) in view of U.S. Patent No. 6,250,022 to Paz et al. (hereinafter “Paz”). Applicant respectfully traverses these rejections.

As discussed above, claim 38 recites, among other features, a modular structure having units being arranged to form a modular structure in a first configuration, the first configuration including a central unit and a plurality of outer units, each outer unit being removably connected to the central unit and protruding from the central unit, at least two of the outer units being substantially perpendicular to each other. Danhof describes a storage building structure and apparatus for connecting load bearing members of the structure. Abstract. Paz describes a frontwardly extendible plastic shed. Abstract. Neither Danhof nor Paz, alone or in combination, teaches or even suggests a modular structure having a first configuration including a central unit and a plurality of outer units protruding from the central unit. Further, there is no teaching or suggestion of at least two of the outer units being substantially perpendicular to each other, as recited in claim 38. Accordingly, Applicant respectfully submits that claim 38, as well as claims 39, 42, 46 and 47 that depend therefrom, are allowable.

Claims 52 and 74 recite language similar to claim 38 and are allowable for at least the same reasons discussed above with respect to claim 38. Further, claim 74 recites, among other features, frame portions being secured to at least one of the armored panels and extending around an exterior surface of the armored panels. Even assuming, without conceding, that both Danhof and Paz describe a structure having a frame, neither reference teaches or suggests a frame extending around an exterior surface of an armored panel.

Applicant respectfully submits that claims 52 and 74, as well as claims 53, 56, 57, 60, 64-74, and 76-87 that depend therefrom, are allowable for at least the reasons discussed above. For instance, claims 76, 83, and 87 recite, among other features, wherein the modular structure is cross shaped. Applicant respectfully submits that none of the cited references, alone or in combination, teaches or suggests a modular structure that is cross shaped. Accordingly, Applicants respectfully submit that claims 76, 83, and 87 are allowable.

Claims 77, 81, and 85 recite, among other features, wherein the center unit is a command center. Applicants respectfully assert that there is no teaching or suggestion of a center unit, let alone a center unit that is a command center, in any of the cited references. Accordingly, Applicants respectfully assert that claims 77, 81, and 85 are allowable.

For at least the reasons discussed above, Applicant respectfully requests withdrawal of these rejections.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: January 26, 2009

By: /Elizabeth A. Almeter/
Elizabeth A. Almeter
Registration No. 57,019

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001